

APPEAL NO. 040123  
FILED MARCH 10, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 8, 2003. The hearing officer determined that: (1) respondent 1 (claimant) was employed by (Employer) on \_\_\_\_\_, for purposes of the 1989 Act; (2) the appellant (carrier 1) provided workers' compensation insurance coverage for Employer on \_\_\_\_\_, through the (Insurance Program) of (School District); and (3) the claimant sustained a compensable injury on \_\_\_\_\_. Carrier 1 appeals the determination that it provided workers' compensation insurance coverage for the claimant's employer, Employer. The claimant and respondent 2 (carrier 2) urge affirmance. The hearing officer's employer and injury determinations were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that carrier 1 provided workers' compensation insurance coverage for Employer on \_\_\_\_\_, through (School District's) (Insurance Program) policy. This determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer considered the arguments advanced by carrier 1 at the hearing. The hearing officer found that the (Insurance Program) policy covered Employer, including all of its employees on the (School District) project, and that Employer's failure to submit an enrollment form did not exclude it from coverage. Contrary to carrier 1's assertion, nothing in our review indicates that the hearing officer applied an improper legal standard in reaching this determination. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of insurance carrier 1 is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO MALO  
ZURICH NORTH AMERICA  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

The true corporate name of insurance carrier 2 is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge